

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TIMOTHY RAY BOWLES,

Petitioner,

v.

RICKY J. BELL, WARDEN,

Respondent.

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Case No. 3:05-0236  
Judge Trauger

ORDER

The petitioner, proceeding *pro se*, is an inmate in the Riverbend Maximum Security Institution in Nashville, Tennessee. He brings this action seeking federal *habeas corpus* relief under 28 U.S.C. § 2254.

As provided in the Memorandum entered contemporaneously herewith, the following is ordered:

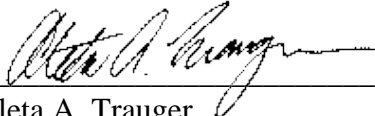
- 1) The petitioner's motion to stay these proceedings, holding them in abeyance while he exhausts his Sixth Amendment claim in State Court (Docket Entry No. 9), is DENIED for futility.
- 2) The petitioner's request for federal *habeas corpus* relief (Docket Entry No. 1) is DENIED, and this action is dismissed.
- 3) The petitioner's motion for appointment of counsel (Docket Entry No. 8) is DENIED as moot.

Should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will not issue because the petitioner has failed to make a substantial showing of the denial of a

constitutional right. *Castro v. United States of America*, 310 F.3d 900, 901 (6<sup>th</sup> Cir. 2002)(citing *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1072 (6<sup>th</sup> Cir. 1997) and *Murphy v. Ohio*, 263 F.3d 466, 467 (6<sup>th</sup> Cir. 2001)).

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED.

  
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Aleta A. Trauger  
United States District Judge